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Express Mail No. EK903647323US
Case Docket No. FSL 96-1 CIP
Serial No. 10/029,360, Filed 12/20/01

CONTINUATION-IN-PART DECLARATION,
POWER OF ATTORNEY, AND PETITION

As below named inventors, we hereby declare:

That our residence, post office address, and citizenship are as stated below next to our names;

That we verily believe that we are the original and first inventors of the subject matter that is claimed and for which a patent is sought on the invention entitled Particle-Mediated Conifer Transformation described and claimed in the application filed on December 20, 2001 assigned Serial No. 10/029,360 and that we hereby state that we have reviewed and understand the contents of the specification, including the claims;

That we hereby claim the benefit under 35 U.S.C. §119(e) of the U.S. provisional application Serial No. 60/087/966, filed June 4, 1998, and under 35 U.S.C. §120 of U.S. application Serial No. 09/318,136, filed May 25, 1999;

That this application in part discloses and claims subject matter disclosed in earlier filed applications Serial Nos. 60/087,966 and 09/318,136, and that, as to the subject matter of this application which is common to said earlier applications, we do not know and do not believe that the same was ever known or used in the United States before our invention or discovery thereof, or patented or described in any printed publication in any country before said invention or discovery thereof for more than one year prior to said earlier applications, or in public use or on sale in the United States more than one year prior to said earlier applications; and that said common subject matter has not been patented before the date of said earlier applications or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months prior to the filing of said earlier applications; and that no application for patent or inventor's certificate on the said common subject matter has been filed by us or our representatives or assigns in any country foreign to the United States, except:

Argentina (Patent Application No. P990102640, filed 06/04/99,
Australia (Patent Application No. 33165/99, filed 06/03/99,
Brazil (Patent Application No. P1 9901778-4, filed 06/04/99,
Canada (Patent Application No. 2,274,037, filed 06/04/99,
Chile (Patent Application No. 1134-99, filed 06/04/99,
New Zealand (Patent Application No. 336,149, filed 06/04/99
Patent No. 336,149, granted 02/08/01),
South Africa (Patent Application No. 99-3748, filed 06/03/99,
Patent No. 99-3748, granted 02/23/00.

That, as to the subject matter of this application which is not common to said earlier applications, we do not know and do not believe that the same was ever known or used in the United States before said invention or discovery thereof, or patented or described in any printed publication in any country before said invention or discovery thereof for more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by us or our legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention or discovery has been filed by us or our representatives or assigns in any country foreign to the United States;

That we hereby claim the benefit under 35 U.S.C. §119(e) of the U.S. provisional application Serial No. 60/087,966, filed June 4, 1998, and under 35 U.S.C. §120 of U.S. application Serial No. 09/318,136, filed May 25, 1999, and, insofar as the subject matter of each of the claims of this application is not disclosed in U.S. applications Serial Nos. 60/087,966 and 09/318,136 in the manner provided by the first paragraph of Title 35, United States Code, § 112, we acknowledge our duty to disclose information of which we are aware, which is material to patentability as defined in 37 C.F.R. § 1.56, and which is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, that occurred between the filing dates of the earlier U.S. applications Serial Nos. 60/087,966 and 09/318,136 and the filing date of this application.

And we hereby appoint --

Daniel B. Reece IV
Registration No. 33,998
Westvaco Corporation
5255 Virginia Avenue
Post Office Box 118005
Charleston, South Carolina 29423-8005
(with whom correspondence is to be directed)

and Terry B. McDaniel, Registration No. 28,444, Westvaco Corporation, 5255 Virginia Avenue, Post Office Box 118005, Charleston, South Carolina 29423-8005, and each of them, our attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. We further recognize and acknowledge that the true party in interest of the invention described and claimed herein is the assignee, Westvaco Corporation.

Wherefore we pray that Letters Patent be granted to us for invention or discovery described and claimed in the specification and claims, and we hereby subscribe our names to the above-identified specification and claims, declaration, power of attorney, and this petition.

We, the undersigned petitioners declare further that all statements made herein of our own knowledge are true and all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Robert John Kodrzycki  Jan 28, 2002
FULL NAME OF SOLE OR FIRST JOINT INVENTOR INVENTOR'S SIGNATURE DATE


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